


From: "Franklin, Richard" <Franklin.Richard@epa.gov>
To: "BROWN Geoff * DEQ" <Geoff.BROWN@deq.oregon.gov>
Date: 5/9/2022 2:09:30 PM
Subject: Draft EPA Reply to EAG RE: EPA Request for Access to Former WestRock/Smurfit Mill in Newberg, OR. Enforcement Sensitive

Hey Geoff – can you take a look at my draft email below and let me know if I’ve missed anything or gotten some facts wrong, and what you think generally –

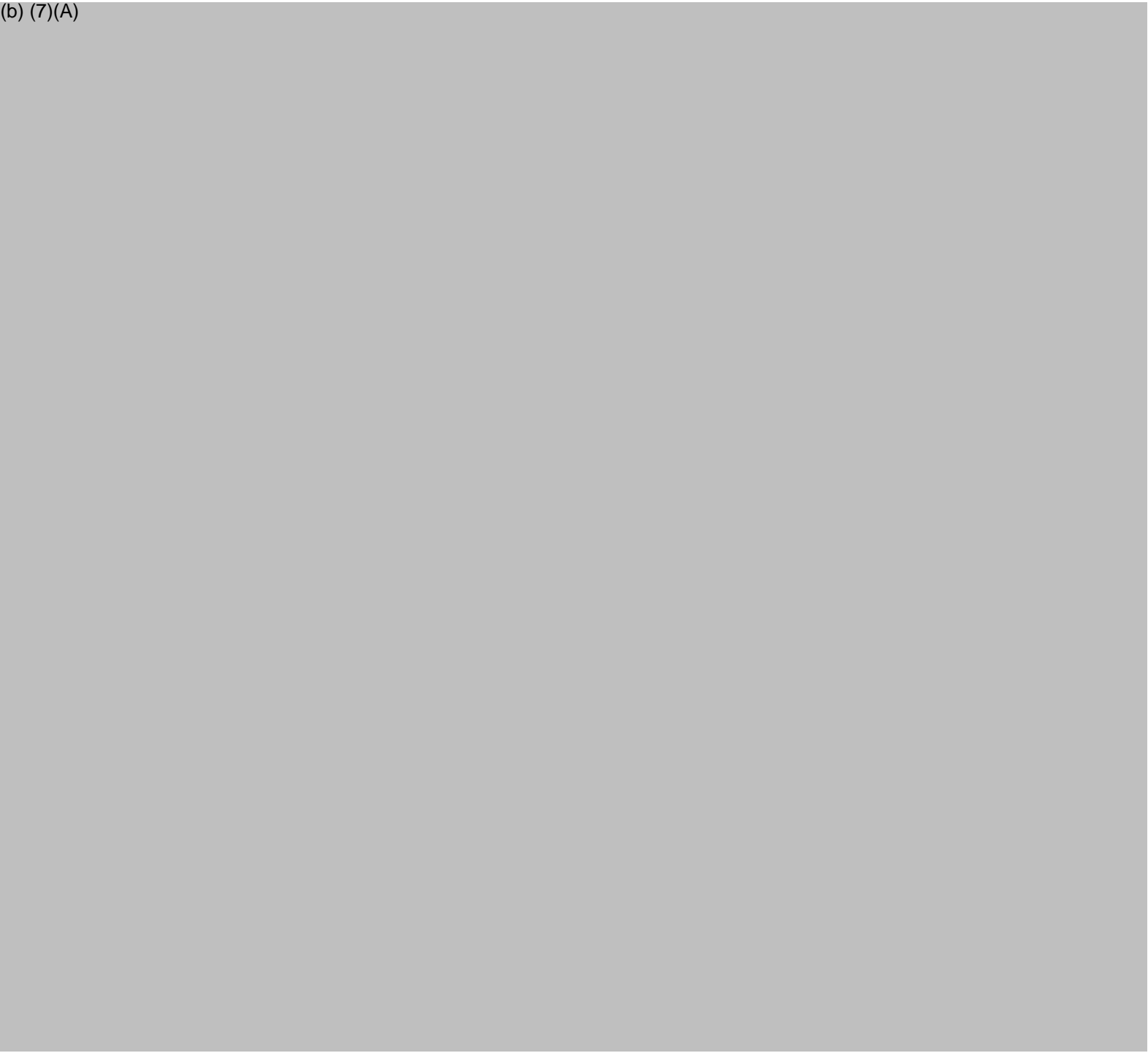
Thanks,

- Richard

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(b) (7)(A)



- Richard

Richard Franklin
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From: Maureen Roth <mroth@enviroanalyticsgroup.com>

Sent: Friday, May 06, 2022 6:36 AM

To: Franklin, Richard <Franklin.Richard@epa.gov>

Cc: BROWN Geoff * DEQ <Geoff.BROWN@deq.oregon.gov>; Russ Becker <rbecker@enviroanalyticsgroup.com>; Dan Dunn <ddunn@enviroanalyticsgroup.com>; Mark Varljen <mvarljen@enviroanalyticsgroup.com>

Subject: RE: EPA Request for Access to Former WestRock/Smurfit Mill in Newberg, OR

Hi Richard,

Just wanted to confirm you received the email below and the Environmental Site Assessment (ESA).

Also, we would like to schedule a meeting to introduce Mark Varljen and discuss your plan. Mark is new to EnviroAnalytics Group. He is located in the Pacific Northwest and will be Newberg's Project Manager moving forward.

Please let us know your availability in the coming weeks so we can schedule a call.

Thanks,

Maureen

From: Maureen Roth

Sent: Monday, April 25, 2022 10:34 AM

To: 'Franklin, Richard' <Franklin.Richard@epa.gov>

Cc: BROWN Geoff * DEQ <Geoff.BROWN@deq.oregon.gov>; Russ Becker <rbecker@enviroanalyticsgroup.com>; Dan Dunn <ddunn@enviroanalyticsgroup.com>; Mark Varljen <mvarljen@enviroanalyticsgroup.com>

Subject: RE: EPA Request for Access to Former WestRock/Smurfit Mill in Newberg, OR

Hi Richard,

Thanks for the call Friday, as for the access agreement, I have forwarded it on to legal. Please provide the EPA attorney contact information and I will forward that to Newberg OR LLC's attorney.

As for as the files you requested, I was under the impression that Oregon DEQ was sharing files with you, if this is not the case, please let me know. We provided historical investigation/remediation files to DEQ on March 15, 2022. The current owners (Newberg OR LLC) did not conduct any Phase Is or Phase IIs prior to the acquisition. Last month EAG discussed entering the VCP program with DEQ. At that time, EAG notified DEQ that EAG was conducting an Environmental Site Assessment (ESA) to identify recognized environmental conditions (RECs) and determine areas for further investigation in order to address outstanding historical releases at the Facility as necessary. The ESA is complete and attached to this email.

Newberg OR LLC will enroll the site into DEQ's voluntary cleanup program and to that end submitted necessary forms for the Voluntary Cleanup Pathway (VCP) on April 20, 2022. The ESA was submitted last week along with the VCP application. Additionally, EAG is currently drafting a preliminary soil and groundwater investigation plan to confirm the RECs identified in the ESA; execution of the plan will occur this summer.

Newberg OR LLC is committed to addressing potential environmental issues at the site, and the evaluation of any risks and subsequent corrective action will be completed through the VCP with DEQ's oversight. I believe what you are proposing to conduct is what EAG is already in the process of conducting. We suggest that EPA monitor the VCP process to ensure EPA's concerns are being addressed rather than conducting a separate investigation. If at any time EPA feels that the VCP efforts are not adequate or require additional oversight, Newberg OR LLC is willing and prepared to work together with EPA to provide site access, or discuss adjusting the response activities as necessary. If Oregon DEQ is not able to provide information and documentation directly to EPA regarding our VCP response, please let us know and Newberg OR LLC would be happy to facilitate this information transfer.

Additionally, EAG submitted a records request with DEQ but not EPA, if there are any records with EPA that Newberg OR LLC should be aware of, please forward them to me and/or let me know so I can begin the records request for EPA's documents. We believe site conditions will be appropriately evaluated and addressed under the VCP, and consequently are interested to better understand your request, and what concerns you may have regarding a public health risk.

Regards,

Maureen

From: Franklin, Richard <Franklin.Richard@epa.gov>
Sent: Friday, April 15, 2022 6:01 PM
To: Maureen Roth <mroth@enviroanalyticsgroup.com>
Cc: BROWN Geoff * DEQ <Geoff.BROWN@deq.oregon.gov>
Subject: EPA Request for Access to Former WestRock/Smurfit Mill in Newberg, OR

Hi Maureen,

It's been a while since we visited, so I hope you're well.

After reviewing known spill and historical operation information for the former Westrock / Smurfit mill site in Newberg (Site), as well as current demolition operations at the Site, we (EPA) would like to conduct our own environmental assessment of the site, i.e., a Removal Site Evaluation (RSE), to further determine if there is a public health risk from the site. Such an effort would include research into past environmental and operational practices at the mill, as well as conducting our own on-site sampling and assessment activities.

To that end, I would like to request written access and permission from the owners and operators of the mill site, including CDC and the Enviroanalytics Group (as the current owners/operators on the site). If there are other owners or current operators, such as Environmental Liability Transfer (?), please let me know so I can contact them. I would also like to get an appropriate contact at CDC for my access request.

Also at this time, I would still like to request the results and reports from any environmental surveys that you may have, that were conducted in the past such as Phase I's or Phase II's, or Master Environmental Surveys. We've requested such reports and documents previously with EAG and your demolition subcontractor, but have yet to receive any such reports, except for some asbestos remediation files. Such reports would be very helpful in determining the environmental status of the site.

I'm attaching the EPA Site Access Agreement for your and CDC's review and sign-off (or for whoever is appropriate within your and CDC's organization). Please get back to me within 10 working days of your receipt of this email to let me know whether we have EAG's permission to proceed with site access and our RSE. If your attorneys would like to review this with our site attorney, please let me know and I can arrange contact between them.

I'll be glad to discuss how we might conduct the assessment at your convenience. I was pleased to hear that EAG or CDC may be interested in working with ODEQ in their Voluntary Cleanup Program, and I encourage that as well.

Please see attached.

Much Thanks,

- Richard

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